



CITY OF MENOMONIE
POLICE AND FIRE COMMISSION MEETING
Minutes

Friday – January 15, 2010

9:00 a.m. – 1:30 p.m.

City Hall - Mayor's Conference Room, Third Floor
800 Wilson Avenue, Menomonie, WI

(Minutes are a draft until approved)

I. Call to Order

- Meeting called to order by PFC President Ron Sandfort at 9:00 a.m.

II. Roll Call

- Other Commissioners present Jim Ley, Tom Mangin, Bob Peterson and Jan Pierce. Also present were Attorneys John Behling and Ryan Steffes from the office of Weld, Riley, Prenn & Ricci, SC.

III. Approval of Minutes – December 15, 2009

- Motion was made by Jim Ley, seconded by Tom Mangin, and carried unanimously on roll call vote to approve the minutes, as presented.

IV. Closed Session – Motion was made by Bob Peterson, seconded by Jan Pierce, and carried unanimously on roll call vote to go into closed session pursuant to §19.85(1)(g), Wis. Stats., to confer with legal counsel who is rendering oral advice concerning prospective litigation in which it is, or is likely, to become involved as it relates to citizen complaints filed with the Commission. The Commissioners invited legal counsel John Behling and Ryan Steffes into the closed session. Closed session began at 9:05 a.m.

As part of closed session deliberations, the Commission reviewed multiple documents which had been filed by Attorney Phil Steans, representing the complainants and Attorney Kyle Gulya who represents the Chief of Police. These documents include the following:

1. The Menomonie Police Department Articles of Conduct.
2. A document from Attorney Gulya dated January 8, 2010 requesting a reservation of rights on a Notice of Special Appearance.
3. Correspondence from Attorney Phil Steans dated January 13, 2010 regarding formal notice on Rules of the Department alleged to have been violated, the Complainant's position on the

issue of special appearances and the Motions to Dismiss filed by Attorney Gulya.

4. Correspondence from Attorney Phil Steans dated January 14, 2010 regarding Amended Notice of violations.
5. A copy of the Complaint filed by Emilie Wiese.
6. A copy of the Complaint filed by Lucy B. Lammer.
7. A copy of the Complaint filed by Ka Ge Kong.
8. A copy of the Complaint filed by Ruth Martinson.
9. A copy of the Complaint filed by Greg Mickelson.
10. A copy of Motions to Dismiss and Motions to Compel Discovery filed by Attorney Gulya regarding all five Complainants.
11. A copy of Attorney Gulya's rebuttal to Attorney Steans' Reply.

The Commission then deliberated regarding the special appearance correspondence received from Attorney Gulya as well as the special appearance notation found in Attorney Steans' correspondence of January 13, 2010. After deliberation and discussion, a motion to deny the "Special Appearance" request from Attorney Gulya was made by Jim Ley, seconded by Jan Pierce, and carried unanimously on roll call vote in regard to all five pending complaints.

The Commission then took up the issue of the Motions to Dismiss which had been filed by Attorney Gulya. As part of the Motions to Dismiss, the Commission reviewed the Motions as well as related briefing materials from Attorney Gulya. The Commission also reviewed the Response to the Motions to Dismiss filed by Attorney Steans on January 13, 2010. The Commission also reviewed the Complaints in regard to the allegations and the alleged rule violations, as well as Attorney Gulya's rebuttal to Attorney Steans' reply.

After much deliberation and review of the documents, a motion was made to deny Chief Stolpa's request regarding Emilie Wiese's Complaint as it related to Rule # 1. Motion was made by Jan Pierce, seconded by Jim Ley, and carried unanimously on roll call vote.

A motion was made to deny Chief Stolpa's request regarding Emilie Wiese's Complaint as it related to Rule #11. Motion was made by Bob Peterson, seconded by Tom Mangin, and carried unanimously on roll call vote.

A motion was made to grant Chief Stolpa's Motion to Dismiss as it related to Rule #17 as alleged by Emilie Wiese. Motion was made by Jim Ley, seconded by Bob Peterson, and carried unanimously on roll call vote.

A motion was made to deny Chief Stolpa's request regarding Lucy Lammer's Complaint as it related to Rule #1. Motion was made by Jan Pierce, seconded by Jim Ley, and carried unanimously on roll call vote.

A motion to grant Chief Stolpa's Motion to Dismiss as it related to Rule #17 as alleged by Lucy Lammer. Motion was made by Bob Peterson, seconded by Tom Mangin, and carried unanimously on roll call vote.

A motion was made to deny Chief Stolpa's request regarding Ka Ge Kong's Complaint as it related to Rule #1. Motion was made by Tom Mangin, seconded by Jan Pierce, and carried unanimously on roll call vote.

A motion to grant Chief Stolpa's Motion to Dismiss regarding Rule #10 as alleged by Ka Ge Kong was made by Jan Pierce, seconded by Tom Mangin, and carried unanimously on roll call vote.

A motion was made to deny Chief Stolpa's request regarding Rule #8 as alleged by Ka Ge Kong was made by Bob Peterson, seconded by Jim Ley, and carried unanimously on roll call vote.

A motion to grant Chief Stolpa's Motion to Dismiss regarding Rule #11 as alleged by Ka Ge Kong was made by Jim Ley, seconded by Tom Mangin, and carried unanimously on roll call vote.

A motion to grant Chief Stolpa's Motion to Dismiss regarding Rule #17 as alleged by Ka Ge Kong was made by Jan Pierce, seconded by Bob Peterson, and carried unanimously on roll call vote.

A motion was made to deny Chief Stolpa's request regarding Rule #1 as alleged by Ruth Ann Martinson was made by Tom Mangin, seconded by Jim Ley, and carried unanimously on roll call vote.

A motion to grant Chief Stolpa's Motion to Dismiss regarding Rule #10 as alleged by Ruth Ann Martinson was made by Tom Mangin, seconded by Jim Ley, and carried unanimously on roll call vote.

A motion to deny Chief Stolpa's request regarding Rule #11 as alleged by Ruth Ann Martinson was made by Bob Peterson, seconded by Jan Pierce, and carried unanimously on roll call vote.

A motion to grant Chief Stolpa's Motion to Dismiss regarding Rule #1 as alleged by Greg Mickelson was made by Jim Ley, seconded by Tom Mangin, and carried unanimously on roll call vote.

A motion to grant Chief Stolpa's Motion to Dismiss regarding Rule #11 as alleged by Greg Mickelson was made by Jan Pierce, seconded by Bob Peterson, and carried unanimously on roll call vote.

A motion to grant Chief Stolpa's Motion to Dismiss regarding Rule #17 as alleged by Greg Mickelson was made by Tom Mangin, seconded by Jim Ley, and carried unanimously on roll call vote.

The Commission then reviewed the motion demanding the Commission compel the Complainants' to release information set forth in Chief Stolpa's Motion to Compel Discovery request. The Commission deliberated the issues and reviewed the respective documents as it applies to Emilie Wiese's complaint. A motion to deny Chief Stolpa's request was made by Jim Ley, seconded by Bob Peterson, and carried unanimously on roll call vote.

The Commission then reviewed the motion demanding the Commission compel the Complainants' to release information set forth in Chief Stolpa's Motion to Compel Discovery request. The Commission deliberated the issues and reviewed the respective documents as it applies to Lucy Lammer's complaint. A motion to deny Chief Stolpa's request was made by Jim Ley, seconded by Bob Peterson, and carried unanimously on roll call vote.

The Commission then reviewed the motion demanding the Commission compel the Complainants' to release information set forth in Chief Stolpa's Motion to Compel Discovery request. The Commission deliberated the issues and reviewed the respective documents as it applies to Ka Ge Kong complaint. A motion to deny Chief Stolpa's request was made by Jim Ley, seconded by Bob Peterson, and carried unanimously on roll call vote.

The Commission then reviewed the motion demanding the Commission compel the Complainants' to release information set forth in Chief Stolpa's Motion to Compel Discovery request. The Commission deliberated the issues and reviewed the respective documents as it applies to Ruth Ann Martinson's complaint. A motion to deny Chief Stolpa's request was made by Jim Ley, seconded by Bob Peterson, and carried unanimously on roll call vote.

The Commission did not consider the Motion to Compel in the Greg Mickelson matter as it was moot.

The Commission then took up the issue of Chief Stolpa's Motions in Limine filed against all five respective Complaints. As part of this deliberation they reviewed the related documents and engaged in deliberations and discussions on the same.

A motion to deny the Motion in Limine as it relates to the Emilie Wiese complaint was made by Jim Ley, seconded by Tom Mangin, and carried unanimously on roll call vote.

A motion to deny the Motion in Limine as it relates to the Lucy Lammer complaint was made by Jan Pierce, seconded by Jim Ley, and carried unanimously on roll call vote.

A motion to deny the Motion in Limine as it relates to the Ka Ge Kong complaint was made by Bob Peterson, seconded by Tom Mangin, and carried unanimously on roll call vote.

A motion to deny the Motion in Limine as it relates to the Ruth Ann Martinson complaint was made by Tom Mangin, seconded by Bob Peterson, and carried unanimously on roll call vote.

The Commission did not consider the Motion in Limine in the Greg Mickelson action as it was moot.

After deliberations, a motion was made by Jim Ley, seconded by Bob Peterson, and carried unanimously on roll call vote to reconvene into open session to announce actions taken in closed session, if any and if appropriate.

V. Open Session – Returned to open session at 1:17 p.m.

PFC President Ron Sandfort announced the action taken in closed session. Announcement was made that the Commission denied the motion to make a special appearance brought by Attorney Gulya.

In regard to the Motion to Dismiss the Wiese Complaint, the Commission granted the motion in part and denied it in part. The Commission granted the motion with respect to the claim the Chief violated Rule 17 of the Standards of Conduct policy and denied the motion with respect to the claims the Chief violated Rules 1 and 11.

In regard to the Lammer motion to dismiss, the Commission granted the motion in part and denied it in part. The Commission granted the motion with respect to the claim the Chief violated Rule 17 and denied the motion with respect to the claim the Chief violated Rule 1.

In regard to the Kong motion to dismiss, the Commission granted the motion with respect to the claims the Chief violated Rules 10, 11 and 17 and denied the motion with respect to the claims the Chief violated Rules 1 and 8.

In regard to the Martinson motion to dismiss, the Commission granted the motion with respect to the claim the Chief violated Rule 10 and denied the motion with respect to the claims the Chief violated Rules 1 and 11.

In regards to the Mickelson motion to dismiss, the Commission granted the motion.

The Commission also denied Attorney Gulya's motions to compel in the Wiese, Lammer, Kong, and Martinson matters.

Regarding the motions in limine brought by Attorney Gulya on behalf of Wiese, Lammer, Kong and Martinson, all motions in limine were denied.

The Commission Chair also directed counsel for the Commission to draft an order for the Commission's review and adoption on January 18, 2010 at 9:00 a.m. when they reconvene.

Next Meeting: January 18, 2010 at 9:00 a.m. at the Dunn County Board Room, First Floor, Room 122/124, Dunn County Government Center, 800 Wilson Avenue, Menomonie, WI

VI. Adjourn

- Motion to adjourn was made by Jim Ley, seconded by Bob Peterson, and carried on roll call vote. Meeting was adjourned at 1:30 p.m.

Respectfully submitted by,

JoAnn L. Kadinger, City Clerk
Recording Secretary